

To: Swenson, Peter[swenson.peter@epa.gov]
From: Cassell, Peter
Sent: Tue 5/17/2016 4:41:26 PM
Subject: Fw: 5/18; Enviro Health News re: proposed Back Forty Mine open pit sulfide mine on the Michigan/Wisconsin border.

Ex. 5 - Deliberative Process

312-353-9391

Ex. 5 - Deliberative Process

From: BBienkowski@ehn.org [<mailto:BBienkowski@ehn.org>]
Sent: Thursday, May 12, 2016 3:56 PM
To: Daguillard, Robert <Daguillard.Robert@epa.gov>
Cc: Valentine, Julia <Valentine.Julia@epa.gov>
Subject: Interview/Comment request

Good afternoon,

I am the editor of Environmental Health News. I am writing a story about the proposed [Back Forty Mine](#) open pit sulfide mine on the Michigan/Wisconsin border.

The site holds burial mounds and ancient raised garden beds both of which are historic and sacred to the Menominee Tribe in Wisconsin, which used to inhabit the area. They are also concerned about potential contamination of the Menominee River. Tribal leaders say that neither the EPA nor any other federal agency has any say in whether the mine moves forward due to Michigan's mining laws.

I was hoping to speak with someone from the EPA about regulatory authority/involvement in such matters. Does the EPA have any authority when such a mine is seeking approval? I'm assuming there's some authority in regards to the Safe Drinking Water Act Underground Injection Control program, and if, I'm right, when do the feds become involved? Currently the company, Aquila, has submitted a permit to the state, which the state returned with some questions.

Is there any environmental justice authority the EPA has when tribal cultural resources like this are at stake?

Thanks and I look forward to hearing from you.

Brian

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Brian Bienkowski

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